

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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AMERICAN TRUST & SAVINGS BANK,

Plaintiff,

v.

PHILADELPHIA INDEMNITY INSURANCE COMPANY,  
BREMSEY, SCHOMMER & MCHUGH, CPA'S, LLC and  
BREMSEY GROUP, INC.,

Defendants.  
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ORDER

09-cv-474-bbc

On January 6, 2010, I dismissed plaintiff American Trust & Savings Bank's strict responsibility claim against defendants Philadelphia Indemnity Insurance Company, Bremser, Schommer & McHugh CPA's, LLC and Bremser Group, Inc. Also, I gave plaintiff until January 19, 2010 to file a sur-reply in which it explains why its breach of fiduciary duty claim should not be dismissed as untimely under Wis. Stat. § 893.57. Plaintiff has filed a letter with the court indicating that it no longer opposes defendants' pending motion to dismiss and will not file a sur-reply. Dkt. #24. Therefore, I will grant defendants' motion to dismiss plaintiff's breach of fiduciary duty claim.

ORDER

IT IS ORDERED that the motion to dismiss filed by defendants Philadelphia Indemnity Insurance Company, Bremser, Schommer & McHugh CPA's, LLC and Bremser Group, Inc., dkt. #6, is GRANTED. Plaintiff American Trust & Savings Bank's claim for breach of fiduciary duty is DISMISSED.

Entered this 26th day of January, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge